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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,423	03/17/2004	Karen Lynn Botner	03-0802-US	3857

7590

12/23/2005

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EXAMINER

NEWTON, JARED W

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Figures 6-14 in the reply filed on November 16, 2005 is acknowledged. In light of further examination, an additional election of species requirement is set forth below. Examiner apologizes for the absence of the additional requirement in the previous correspondence. If Applicant desires an election of species by phone, Examiner encourages Applicant to do so, in order to expedite the examination. If Applicant has any further questions regarding the new requirement or the application in general, he is encouraged to contact the Examiner at (571) 272-2952, M-F, 8am-5pm.

This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. Figures 6-9, showing an integral L-shaped tray support (claims 1-15 and 22-22).
- b. Figures 10-14, showing a plate-connected L-shaped tray support (claims 16-20).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Michael A. Mochinski on December 16, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

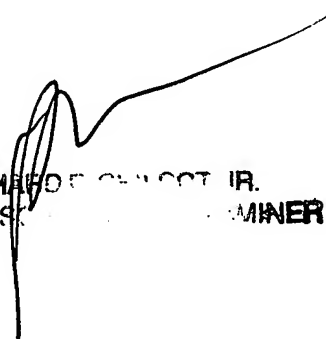
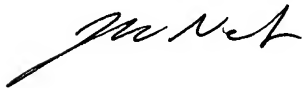
Art Unit: 3634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN  
December 19, 2005



RICHARD CHILCOT, JR.  
SUPERVISOR, EXAMINER